

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

ONYCKA HOSKIE  
Plaintiff,

v. Civil Action No. \_\_\_\_\_  
Formerly 2020 – 20674 in Fairfax Circuit Court

JEROME JEFFERSON  
and  
LAMBERT TRANSFER & STORAGE, INC.

Defendants.

**NOTICE OF REMOVAL**

Defendants, Jerome Jefferson and Lambert Transfer & Storage, Inc. (hereinafter referred to collectively as “Defendants”), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby file their Notice of Removal to remove this action, which was filed in the Fairfax County Circuit Court, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division. As addressed below, this Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because there is diversity of citizenship among the parties, and it is plain from the face of the Complaint that Plaintiff Onycka Hoskie (“Plaintiff”) demands more than \$75,000, exclusive of interest and costs, for her alleged injury. In further support of this Removal, Defendants state as follows:

1. On or about December 28, 2020 Plaintiff commenced this action by filing a Complaint in the Fairfax County Circuit Court, Virginia. Plaintiff’s Complaint is Attached as **Exhibit 1**.
2. Plaintiffs’ Complaint was assigned Case No. 2020-20674 in the Fairfax County Circuit Court. Id.

3. Plaintiff's Complaint alleges personal injuries after a motor vehicle accident on or about June 22, 2020. Id.

4. Plaintiff alleges negligence against Defendant Jerome Jefferson and vicarious liability against Defendant Lambert Transfer & Storage, Inc. Id.

5. Defendants timely filed an Answer in Fairfax County Circuit Court on April 13, 2021. Defendants' Answer is Attached as **Exhibit 2**.

6. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C § 1441(a).

7. The United States District Court for the Eastern District of Virginia, Alexandria Division embraces the Fairfax County Circuit Court.

8. The federal district court has original jurisdiction of this matter pursuant to the diversity statute, 28 U.S.C. § 1332(a).

9. “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between — (1) citizens of different States . . .” 28 U.S.C. § 1332(a).

10. The ad damnum of Plaintiff's Complaint seeks \$1,000,000 (one million dollars) and therefore the amount in controversy, exclusive of interest and costs, in this matter exceeds \$75,000.

11. Plaintiff is a resident of Virginia.

12. Defendant Jerome Jefferson is a resident of Alabama. See Declaration of Carlton Hunley IV, Attached as **Exhibit 3** at ¶ 3.

13. For removal purposes “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1).

14. Defendant Lambert Transfer & Storage, Inc. is incorporated in Alabama with its principal place of business in Alabama. **Exhibit 3** at ¶ 4.

15. The citizenship between Plaintiff and Defendants is diverse and therefore this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a).

16. Defendant Jerome Jefferson was served a copy of the Summons and Complaint on or about March 23, 2021.

17. Defendant Lambert Transfer & Storage, Inc. was served a copy of the Summons and Complaint on or about March 24, 2021.

18. “The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based . . .” 28 U.S.C. § 1446 (b)(1).

19. This Notice of Removal is being filed within thirty (30) days after Defendants received Plaintiff’s Complaint through service and therefore is timely.

20. “When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. § 1446 (b)(2)(A).

21. Both defendants join in the removal of the action.

22. Pursuant to 28 U.S.C. § 1446 (a), a copy of all process, pleadings, and orders served in the Fairfax County Circuit Court case as of this date are attached hereto as **Exhibits 1-2**.

23. A Notice of Filing of Notice of Removal, attaching a copy of this Notice of Removal, will be filed with the Clerk of the Fairfax County Circuit Court and will be served on Plaintiffs' counsel as required by 28 U.S.C. § 1446(d). A copy (without attachments) of the Notice of Filing of Notice of Removal filed in the Fairfax County Circuit Court is attached hereto as **Exhibit 4.**

24. By filing this Notice of Removal, Defendants do not waive any defenses, including without limitation, failure to state a claim, lack of personal jurisdiction, improper venue or forum, all defenses specified in Fed. R. Civ. P. 12, or any other defense.

25. If any question arises regarding the propriety of the removal of this action, Defendants respectfully request the opportunity to present a memorandum and oral argument in support of the position that this case is removable and conduct limited discovery related to the facts that support removal.

WHEREFORE, Defendants respectfully request to remove this action from the Fairfax County Circuit Court, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division.

JEROME JEFFERSON and  
LAMBERT TRANSFER & STORAGE, INC.

/s/ Allison F. Rienecker  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of April 2021, the foregoing document was duly served by emailing and mailing a copy to the following counsel of record not yet participating in the CM/ECF system, in accordance with the provisions of Rule 5, Federal Rules of Civil Procedure:

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/s/ Allison F. Rienecker